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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

BARBARA KULIK, JAMES ESKRIDGE,
and **MARY DUNNING GAROFALO**
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

NMCI MEDICAL CLINIC, INC., a
corporation,

Defendant

Case No.: 5:21-cv-03495-BLF

**NOTICE OF UNOPPOSED MOTION AND
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS/COLLECTIVE
ACTION SETTLEMENT**

Judge: Beth Labson Freeman

Complaint Filed: May 10, 2021

FAC Filed: July 13, 2021

Final Approval Hearing: March 1, 2023

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the matter will be heard before the Honorable Beth Labson Freeman in Courtroom 3 of this Court, located on the 5th Floor of the San Jose Courthouse, 280 South 1st Street, San Jose, California 95113 on March 1, 2023. In this motion, Plaintiffs respectfully request entry of an order (1) certifying a class for settlement purposes under the Federal Rules of Civil Procedure, Rule 23 (e.g., “Rule 23”) and certifying a FLSA collective for settlement purposes under 29 U.S.C. § 201, *et seq.* (as defined in the Parties’ Stipulation of Settlement); (2) finally approving the Parties’ Settlement; (3) appointing Plaintiffs Barbara Kulik, James Eskridge, and Mary Dunning Garofalo, as well as Opt-in Plaintiff Yadira Gomez, as Class Representatives for the Class/Collective and Plaintiffs’ counsel as Class Counsel; and (4) awarding fees to the third-party Settlement Administrator Simpluris, Inc.

Plaintiffs respectfully submit good cause exists for granting the Motion for the reasons set forth in the concurrently filed documents. Defendant’s counsel has reviewed the documents being filed in support of this Motion and does not oppose it, though Defendant has reserved the right to submit a Notice of Non-Opposition, together with any additional points and authorities for the Court’s consideration.

This Motion is based upon this Notice of Motion, the Memorandum of Points and Authorities and other documents filed herewith, including the Settlement Agreement, the Declaration of Class Counsel, the [Proposed] Order, and the other pleadings and records on file in this action, and the presentations of counsel and such oral or documentary evidence as may be presented at the hearing on this unopposed Motion.

SOMMERS SCHWARTZ, P.C.

DATED: February 16, 2023

By: /s/ Kevin J. Stoops

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